



County Hall
 Along Mwatu wa Ngoma Rd
 P O Box 1168 – 90100
 MACHAKOS – KENYA
 Third Assembly
 (No. 085)

**REPUBLIC OF KENYA
 COUNTY GOVERNMENT OF MACHAKOS
 COUNTY ASSEMBLY OF MACHAKOS**



Email: assemblymks@gmail.com

Second Session
 (388)

**THE COUNTY ASSEMBLY
 ORDER OF THE DAY
TUESDAY, 21ST NOVEMBER, 2023 AT 2.30 P.M.
ORDER OF BUSINESS**

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of motion
7. Statements (As listed in the Appendix)

8*MOTION – APPROVAL OF REPORT OF TRANSPORT, ROADS AND PUBLIC WORKS COMMITTEE ON THE STATUS OF CONTRACTED RURAL ROADS PROJECTS FY 2022/2023.**

(Hon. Muoki Musila: Chairperson, Transport, Roads and Public Works Committee)

Honorable Speaker, that aware that the County Assembly’s oversights function is one of the cornerstones of democracy; Aware that oversight is a means for holding the County executive accountable for its actions and for ensuring that it implements policies in accordance with the laws and budget passed by the County Assembly;

Acknowledging that Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County; further aware that Article 185(3) states that the County Assembly while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive Organs;

Cognizant that the Transport, Roads and Public Works Committee is established under second Schedule Standing Order 190 and is mandated to deal with all matters related to county transport, including county roads; Aware that the Transport, Roads and Public Works Committee received report on status of rural roads projects from the Department of Roads and Transport, conducted

several site visits to ascertain the status of the sampled roads as indicated in the report, held meetings with the County Executive Committee Member and compiled this report;

Honorable Speaker, I wish to move the Motion **THAT**, this Honorable House discusses and approves the Transport, Roads and Public Works Committee report on the status of contracted Rural Roads Projects FY 2022/2023

The House adjourns to Wednesday 22nd November, 2023 at 10.00 a.m.

*****Denotes Order of the Day*****

APPENDIX (I)

TUESDAY, 21ST NOVEMBER, 2023 AT 2.30 P.M.

1. STATEMENTS

(a) Response on statement on human wildlife conflict in matuu ward - (Hon. Ann Ndilo; Chairperson, Devolution and Intergovernmental Relations Committee

Hon. Speaker, Standing Order 41 (2) (c) states that *a member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.*

Hon. Speaker, during an Assembly sitting dated 25th July 2023, Hon. Judas Ndawa, MCA Matuu Ward sought a Statement that that Human-wildlife conflict in Machakos County and in particular Mbingoni, Katulani sub location, Ngengi and Kitambaasye in Matuu ward, is a pressing and complex issue that stems from the coexistence of local communities and diverse wildlife species in the region. The Member stated that the wildlife from B2 ranching has continued to destroy crops on the nearby farms and the response from the nearest Kenya Wildlife Office in Donyo-Sabuk is not prompt. The particulars of the Statement were as follows;

- i. The initiative Kenya Wildlife Service is doing to ensure that the wildlife in the nearby ranch is contained to avert destruction of property.
- ii. Whether Kenya Wildlife Service has established a fair and prompt compensation or insurance mechanisms for communities affected by wildlife attacks or property damage can alleviate economic hardships through the County Wildlife Conservation and Compensation Committee established under section 18 of the Wildlife Conservation and Management Act, 2013.
- iii. Why Kenya Wildlife Service has not established Wildlife Corridors and Fencing for animal migration and strategically placed fences to help reduce human-wildlife encounters in high-conflict areas.

Hon. Speaker, the Statement was committed to Devolution and Intergovernmental Relations Committee for inquiry and subsequent reporting to the House as provided under Standing Order 189. The Committee held its sitting on 30th October 2023, and the agenda of the day was discussion on the said statement and way forward as directed by the House. In the meeting the Committee resolved as follows;

- i. Conduct a site visit to the affected areas in Matuu ward in order to get facts from the affected residents. This is in line with Article 10 of the Constitution that provides for public participation as one of the principles of governance before the Government makes a decision affecting the public.

- ii. Engage the Kenya Wildlife Services (KWS) for information and action as regards to stated human- wildlife conflict. This is in line with the Fourth Schedule of the Constitution that assigns KWS as a function of the National Government. It is also in line with Article 189 of the Constitution that provides for cooperation between the two levels of Governments ie the National and the County Government for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

1.0. Committee site Visit to Mbingoni, Katulani sub location, Ngengi and Kitambaasye in Matuu Ward.

Hon. Speaker, on 26th and 27th October 2023, the Committee and the area MCA, Hon. Judas Ndawa visited the above stated areas in Matuu Ward to collect views from the affected residents in relation to the Statement sought. After the interaction and interview of some of the residents, the committee confirmed the following;

- i. That the B2 Ranch, which is a property of Kitui County borders Mbingoni, Ngengi and Kitambaasye villages which is in Machakos County.
- ii. That the residents have a committee that liases with KWS on security matters and despite the many reports done to KWS in Oldonyo Sabuk Station nothing so far has been done to contain the wild animals and prevent them from destroying crops and threatening lives of villagers
- iii. The ranch is not fenced and so wild animals, mostly zebras and hyenas cross to the stated areas and destroy crops and also kill livestock especially at night.
- iv. Farmers in Mbingoni, Ngengi and Kitambaasye have big shambas and vast grazing lands and so these villages contribute a lot in provision of food in Matuu Ward.
- v. The residents lamented to the Committee that last season they had planted mostly maize and beans and hardly very little was harvested from the shambas since the said wild animals due to scarcity of grass in the B2 ranch sneaked on daily basis to these shambas and grazed on the planted crops.
- vi. That with the high cost of farm inputs ie seeds, fertilizers and labor, the farmers had incurred serious loses and this is unfair to the residents considering the high cost of living being witnessed in the country at present
- vii. That residents in the affected areas in many nights spent outside in fear of being invented by these wild animals
- viii. The residents requested the County Government to intervene on this matter so that their lost property could be valued and be compensated and also fencing be done to contain

the animals. This is pursuant to Section 24(2) of the Wildlife Conservation and Management Act, 2013 states that *the Wildlife Compensation Scheme shall be used for financing compensation claims for human death or injury or crop and property damage caused by wildlife*

NB Committee audio clips for the meeting are available

2.0.Submissions from KWS office to the Committee

Hon. Speaker, the Committee via letter reference *MKSCA/PCS/CMM/DEV /VOL.1/24* dated 26th September 2023 wrote to KWS, head office in Nairobi seeking response to the Statement. The office did not reply until 19th October 2023, when the Committee decided to visit the Machakos KWS office for a follow up. The Chief Warden, Machakos Station submitted to the committee and promised to take up the matter and seek response from the Head office in Nairobi.

Hon. Speaker, on 11th October 2023 the Assembly received a response on the Said statement via letter reference SDW/8/17/2 and the following are the submissions from KWS Head office;

2.1. The initiative Kenya Wildlife Service is doing to ensure that the wildlife in the nearby ranch is contained to avert destruction of property.

Response: Kenya wildlife service (KWS) has staff in all the protected areas and over 156 stations and outputs outside parks and reserves. Staffs in these areas are responsible for coordinating management of wildlife outside designated protected areas in efforts to enhance coexistence between wildlife and communities in those areas. Considering the Country is expansive, areas that are out of reach by the established stations and outposts are served by Mobile PAC (Problem Animal Control) teams deployed to deal with upsurge in conflicts in specific areas.

Human Wildlife conflicts in Matuu ward within Machakos County are addressed by KWS personnel stationed at yatta B2 sub-station within the B2 ranch and in cases where the conflicts are intense, the team is backed up by personnel from Oldonyo National park Headquarters. Strategies employed by these teams include:-

- I. Pro-active patrols on community lands to minimize invasions.
- II. Wildlife drives from community lands.
- III. Trapping and translocation of problem animals mostly predators.

- IV. Elimination of problem animals as per approved procedures and regulations.
- V. Scaring of problem animals from community lands.
- VI. Facilitation of the government's compensation process.

Table 1 gives a summary of the reported incidences at Matuu area that were attended to by KWS officers from February 2015 to date. The claimants have already been facilitated to initiate the process of compensation for damages caused as per the Wildlife Conservation and Management Act, 2013.

(See table 1 appended)

2.2. Whether the Kenya wildlife service has established a fair and prompt compensation or insurance mechanisms for communities affected by wildlife attacks or property damage can alleviate economic hardships through the County Wildlife Conservation and Management Act, 2013.

Response: Section 25 of the Wildlife Conservation and Management Act(2013) provides for compensation for personal Injury or death or damage to property. The Act requires that all Compensation cases shall be deliberated upon and recommended for payment by the respective County Wildlife Conservation Committees (CWCCs) after which the Ministerial Wildlife Compensation Committee approves the same for payment. Composition of the CWCC is as follows:-

- I. County Commissioner-Chairperson
- II. KWS officer- secretary
- III. Agricultural officer
- IV. Medical officer
- V. Livestock officer
- VI. Four community persons

As such, the Kenya Wildlife Service Machakos County office through the Oldonyo sabuk National park(including Yatta B2 and Juja substations) facilitates affected community members in claiming compensation from the government for damages(death, injury, and property destruction) caused by wildlife.

(See Table 2 on Status of the processed and paid Compensation claims from 2014 to date 2018 for Machakos County)

2.3. Why Kenya wildlife service has not established wildlife corridors and fencing for animals migration and strategically placed fences to help reduce human wildlife encounters in high-conflict area.

RESPONSE:

a) Arising from wildlife populations across the country, it was imperative to initiate the process for gazettelement of wildlife corridors so as to provide an appropriate dispersal area onto which wildlife could move freely and thus increase the space available and viability of wildlife conservation. In order to realize this, a taskforce was formed which mapped wildlife corridors Country wide and recommended gazettelement of the same. Among the identified and mapped wildlife corridor awaiting gazettelement are the Athi-Kapiti Plains and the Kitengela migration corridors in Machakos County.

The plains provide a critical wet season dispersal range for some of the Nairobi National Park's wildlife species. The plains extended across the largely commercial ranching enterprises of Machakos County in the east, via the gently descending Emarti valley to the Amboseli national Park in the South.

b) KWS has collaborated with stakeholders and experts to design and put in place different wildlife barriers for different species of wildlife in HWC prone areas.

Barriers like electric and solar powered fences have proved to be an effective method in managing wildlife encroachment into community settled areas.

Fencing provide a long term solution to problematic wildlife species such as elephants and other large mammalian species from invading agricultural areas and destroying crops. Fences have been successfully used in Kenya to minimize and destroying crops. They have been successfully used in Kenya to minimize interactions between the communities and wildlife. KWS fences off protected areas or undertake strategic fencing to shield communities and social facilities from wildlife invasion. Over 2000 Kilometers of electric fencing have been erected throughout the Country with funding from different sources such as the government of Kenya and private entities. Taking cognizance of the costs involved in erecting the various designs, Kenya Wildlife Service implements the fencing programme in phases based on availability of funds and HWC intensity. In

the current financial year, the service has established a technical committee on fencing of Oldonyo Sabuk National Park whose recommendations are expected by the end of the year (2023) for considerations and implementation.

2.4.Awareness creation

Response: Regulation awareness creation to the public on wildlife co-existence is undertaken by KWS staff in collaboration with stakeholders, chiefs and village administrators to sensitize the public on wildlife conservation and coexistence. This is done through outreach programs, community barazas and radio talks on the local Mwatu FM radio station where wildlife matters are shared to keep the public informed on animal behaviour and the best ways to co-exist with wildlife.